

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SILVIA BEVILACQUA,

Plaintiff(s),

v.

UNITED HEALTHCARE SERVICES, INC.,
et al.,

Defendant(s).

Case No. 2:22-CV-1925 JCM (VCF)

ORDER

Presently before the court is the defendant United Healthcare Services Inc.'s motion to dismiss plaintiff Sylvia Bevilacqua's complaint. (ECF No. 24). Plaintiff has not filed a response, and the time to do so has now passed.

Plaintiff is a physician allegedly employed by defendant. According to plaintiff, for roughly three years, she experienced discrimination on the basis of her sex. *See* (ECF No. 1-1).

Pursuant to District of Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and authorities in response to any motion ... constitutes a consent to the granting of the motion." LR 7-2(d); *see Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) ("Failure to follow a district court's local rules is a proper ground for dismissal.").

However, the court will not automatically grant every unopposed motion. First, the court must weigh the following factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali*, 46 F.3d at 53.

1 Having considered defendant's motion and plaintiff's amended complaint in light of the
2 *Ghazali* factors, the court grants the motion. The first three factors—the public's interest in
3 expeditiously resolving this litigation, the court's interest in managing the docket, and the risk of
4 prejudice to defendants—all weigh in favor of dismissal. *See id.*; *Anderson v. Air West*, 542 F.2d
5 522, 524 (9th Cir. 1976) (holding that a presumption of injury arises from the occurrence of
6 unreasonable delay). Therefore, dismissal is appropriate.

7 Accordingly,
8 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to
9 dismiss (ECF No. 24) be, and the same hereby is, GRANTED. The clerk is instructed to close
10 this case.

11 DATED June 2, 2023.

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14 UNITED STATES DISTRICT JUDGE
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